

1 LAURENCE F. PULGRAM (CSB No. 115163)
lpulgram@fenwick.com
 2 LIWEN A. MAH (CSB No. 239033)
lmah@fenwick.com
 3 FENWICK & WEST LLP
 555 California Street, 12th Floor
 4 San Francisco, CA 94104
 Telephone: (415) 875-2300
 5 Facsimile: (415) 281-1350

6 PATRICK E. PREMO (CSB No. 184915)
ppremo@fenwick.com
 7 HENRY Z. CARBAJAL III (CSB No. 237951)
hcarbajal@fenwick.com
 8 DENNIS FAIGAL (CSB No. 252829)
dfaigal@fenwick.com
 9 FENWICK & WEST LLP
 Silicon Valley Center
 10 801 California Street
 Mountain View, CA 94041
 11 Telephone: (650) 988-8500
 Facsimile: (650) 938-5200

12 Attorneys for Plaintiff
 13 SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

18 SUCCESSFACTORS, INC., a Delaware
 19 corporation,

20 Plaintiff,

21 v.

22 SOFTSCAPE, INC., a Delaware
 23 corporation; and DOES 1-10, inclusive,

24 Defendants.

Case No. CV 08 1376 CW (BZ)

**JOINT STIPULATION AND ORDER TO
 FURTHER MODIFY THE DEADLINE TO
 RESPOND TO AMENDED PLEADINGS**

[CIVIL L.R. 6-2, 7-12]

Complaint Filed: March 11, 2008
 Trial Date: June 1, 2009

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 MOUNTAIN VIEW

1 Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc., through their respective
2 counsel of record, submit this Joint Stipulation and [Proposed] Order Modifying the Deadline to
3 Respond to Amended Pleadings and as good cause state:

4 The parties have agreed to settlement terms in principal. They are currently negotiating
5 the form of the settlement agreement. The parties request a further brief extension of thirty days to
6 respond to the Amended Pleadings. The current deadline is November 28, 2008. The parties seek
7 extend the deadline until December 29, 2008.

8 The parties have made one prior request to continue the pretrial and trial schedule by
9 approximately thirty days. (See Dkt. No. 247.) The parties have also requested the following
10 extensions of time in connection with amending the pleadings and filing responses to the
11 amended pleadings. On August 27, 2008, the Court granted one request to extend the time by
12 thirty days to amend the pleadings. (Dkt. No. 213.) On October 3, 2008, the Court granted the
13 parties' second request to extend time to file the amended pleadings by four days. (Dkt. No. 245.)
14 On October 7, 2008, the parties requested a modification of the pretrial and trial schedule set by
15 the Court's July 1, 2008 Case Management Order. (Dkt. No. 247.) On October 24, 2008, the
16 parties moved to continue the deadline to respond to the amended pleadings by thirty days until
17 November 28, 2008. (Dkt. No. 256.) *See* Declaration of Patrick Premo in support of Joint
18 Stipulation ¶ 5. The parties have not sought additional extensions of time. *Id.*

19 **IT IS SO STIPULATED.**

20
21 Dated: November 26, 2008

FENWICK & WEST LLP

22
23 By: /s/ Patrick E. Premo
24 Patrick E. Premo
25 Attorneys For Plaintiff SUCCESSFACTORS, INC.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: Noveember 26, 2008

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, PC

By: /s/ Bryan Sinclair
Bryan Sinclair
Attorneys For Defendant SOFTSCAPE, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

Concurrence in the filing of this document has been obtained from the other signatory.

Dated: November 26, 2008

FENWICK & WEST LLP

By: /s/ Patrick E. Premo
Patrick E. Premo
Attorneys For Plaintiff SUCCESSFACTORS, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: 12/3/ 2008

The Honorable Claudia Wilken
United States District Court Judge